

JUN 24 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET NO. <u>93-56</u>
)	
C. DEVINE MEDIA, INC.)	File No. BRH-900604YE
)	
For Renewal of License of)	
Station KBER-FM,)	
Ogden, Utah)	
)	
STREET STRYDER)	File No. BRH-900601A3
)	
For Renewal of License of)	
Station KQOL-FM,)	
Spanish Fork, Utah)	

To: Administrative Law Judge
John M. Frysiak

**MASS MEDIA BUREAU'S BRIEF REGARDING STATUS
OF NOTICE OF FORFEITURE IN THE EVENT OF DISTRESS SALE**

1. At the June 17, 1993, prehearing conference in the above-captioned proceeding, the Presiding Judge asked the Mass Media Bureau to submit a statement regarding the status of a notice of forfeiture included in the Hearing Designation Order

and Notice of Forfeiture of FCC Docket #93-56 (1993) (MMB) in the

whose renewal applications have been designated for hearing on basic qualifications issues cannot be transferred. See Jefferson Radio Company v. FCC, 340 F.2d 781, 783 (D.C. Cir. 1964). One exception to this rule allows such a transfer, before hearing, to a qualified minority at a distress sale price. Statement of Policy on Minority Ownership of Broadcast Facilities, 68 FCC 2d 979 (1978). Because a distress sale has the effect of terminating the proceeding before a hearing, any basic qualifying issues would remain unresolved.

this proceeding without hearing, the forfeiture notice in the HDO
should be referred to the Commission for further action. This
would have the effect of notifying the Commission that the issues

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 24th day of June, 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Brief Regarding Status of Notice of Forfeiture in the Event of Distress Sale"** to:

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